

CLARK HILL



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by Donna Rawls
Date: 2017.09.13
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Charles R. Spies
T 202.572.8663
F 202.572.8683
Email: csplies@clarkhill.com

Clark Hill PLC
1001 Pennsylvania Avenue NW
Suite 1300
Washington, DC 20004
T 202.772.0909
F 202.772.0919
clarkhill.com

September 8, 2017

Federal Election Commission
Office of Complaints Examination
Attn: Donna Rawls
999 E Street, NW
Washington, DC 20463
VIA E-mail: CELA@fec.gov

Re: RR-17L-22 —Response to Vitter for U.S. Senate RAD Referral

Dear Ms. Rawls:

We are writing this letter on behalf of David Vitter for U.S. Senate and William Vanderbrook, in his official capacity as treasurer (the "Committee") in response to the Reports Analysis Division Referral to the Office of General Counsel. In short, the Committee is a victim of fraud and does not currently have the funds available to make a full repayment of funds that RAD believes should be returned to donors.

In 2016, RAD staff brought the issue of general election contribution refunds to the Committee's attention and asserted that a total of \$319,650 of contributions should be refunded by the Committee. The Committee initially sought guidance from the Commission regarding the application of general election contributions to Louisiana's unique election system with a Request for Consideration of a Legal Question (LRA 1027) and in October of 2016 the Commission supported RAD's position that contributions should be refunded.

Upon the Commission's clarification of the issue, the Committee then refunded \$82,000 before the end of 2016. A balance of \$237,650 is due to be refunded by the Committee. While the Committee does not currently have the cash on hand, or ability to raise funds, necessary to pay back this amount, it does have \$271,609 due to it in restitution from funds stolen from the Committee. Per the attached US Department of Justice notification, the convict Samuel Pate will be released from incarceration in October of 2017, and we hope that he will work towards continued restitution for the funds he stole.

Because more money (\$271,609) is owed to the Committee in restitution than needs to be refunded to donors (\$237,650), the Committee hereby respectfully proposes that the Commission allow it to make a formal commitment of all funds paid in restitution to be used to repay the

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général élection donations. Although not formally determined through the formal Alternative Dispute Resolution process, this proposal is consistent with the equitable principles of dispute resolution. The Committee wishes to terminate, but cannot until the matter is resolved. It has made good faith efforts and already refunded over \$80,000, and the fact it is a victim of fraud and owed over \$250,000 is preventing it from repaying the donors and terminating.

In light of the foregoing, we respectfully request that the Commission, and specifically OGC, reject the RAD referral and instead work with the Committee to resolve this matter.

Sincerely yours,



Charles R. Spies

*Counsel to David Vitter for Senate and Will
Vanderbrook*

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